

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 5164
OFFERED BY MR. TAUZIN**

Page 3, strike line 13 and all that follows through
line 8 on page 4 and insert the following:

1 SEC. 5. PENALTIES.

2 (a) CIVIL PENALTIES.—Section 30165(a) of title 49,
3 United States Code, is amended to read as follow:

4 “(a) IN GENERAL.—A person that violates any of
5 sections 30112, 30115, 30117 through 30122, 30123(d),
6 30125(c), 30127, 30141 through 30147, or 30166, or a
7 regulation prescribed thereunder, is liable to the United
8 States Government for a civil penalty of not more than
9 \$5,000 for each violation. A separate violation occurs for
10 each motor vehicle or item of motor vehicle equipment and
11 for each failure or refusal to allow or perform an act re-
12 quired by any of those sections. The maximum penalty
13 under this subsection for a related series of violations is
14 \$15,000,000.”.

15 (b) CRIMINAL PENALTIES.—

16 (1) IN GENERAL.—Subchapter IV of chapter
17 301 of title 49, United States Code, is amended by
18 adding at the end the following:

1 **“§ 30170. Criminal Penalties.**

2 “(a) CRIMINAL LIABILITY FOR FALSIFYING OR
3 WITHHOLDING INFORMATION.—

4 “(1) GENERAL RULE.—A person who ~~violates~~
5 ~~section 1001 of title 18 with respect to the reporting~~
6 ~~requirements of section 30166,~~ **commits acts**
7 **with respect to the reporting require-**
8 **ments of section 30166 which are prohib-**
9 **ited by section 1001 of title 18, United**
10 **States Code** with the specific intention of mis-
11 leading the Secretary with respect to motor vehicle
12 or motor vehicle equipment safety related defects
13 that have caused death or grievous bodily harm to
14 an individual shall be subject to criminal penalties of
15 a fine of not more than \$100,000, imprisonment for
16 not more than 15 years, or both.

17 “(2) SAFE HARBOR TO ENCOURAGE REPORTING
18 AND FOR WHISTLE BLOWERS.—

19 “(A) NOTICE.—A person described in
20 paragraph (1) shall not be subject to criminal
21 penalties under this subsection if such person
22 corrects any improper reports or failure to re-
23 port within a reasonable time.

24 “(B) REASONABLE TIME.—The Secretary
25 shall establish by regulation what constitutes a

1 reasonable time for the purposes of subpara-
2 graph (A).

3 “(b) COORDINATION WITH DEPARTMENT OF JUS-
4 TICE.—The Attorney General may bring an action, or ini-
5 tiate grand jury proceedings, for a violation of subsection
6 (a) or (b) only at the request of the Secretary of Transpor-
7 tation.”.

8 (2) CLERICAL AMENDMENT.—The subchapter
9 analysis for subchapter IV of chapter 301 of title
10 49, United States Code, is amended by adding at
11 the end the following:

“30170. Criminal Penalties.”.